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Linda S. Jemigan

Name

Signature



P&G Case P146

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :  
Vickers et al. : Confirmation No. 1935  
Serial No. 10/725251 : Group Art Unit 1761  
Filed December 1, 2003 : Examiner

For Companion Animal Compositions Comprising Short Chain Oligofructose

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made on the attached Form PTO/SB08 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

1. ☐ 37 C.F.R. §1.97(b)(1) - U.S. Direct (use when filing IDS with nonprovisional patent application, or with Request for Continued Examination (RCE); or within 3 months of filing a nonprovisional patent application)

This information disclosure statement, submitted under 37 C.F.R. §1.97(b)(1), is being filed with the patent application, with a Request for Continued Examination or within three months of the filing date of a national application. Therefore, no fee is believed to be due.

2. ☒ **37 C.F.R. §1.97(b)(3)** - (use when filing IDS more than 3 months after filing a nonprovisional patent application, but prior to receipt of first Office Action)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter (or a fee transmittal form) is enclosed to facilitate charging of the fee, if necessary.

3. ☐ **37 C.F.R. §1.97(b)(4)** - (use when filing IDS prior to receipt of first Office Action after the filing of a Request for Continued Examination (RCE) under §1.114)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(b)(4). Applicants have not received a first Office Action after filing a Request For Continued Examination (RCE). Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter (or a fee transmittal form) is enclosed to facilitate charging of the fee, if necessary.

4. ☐ **37 C.F.R. §1.97(c) with fee payment** - (use when filing IDS after receipt of first Office Action, and before receipt of Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicant(s) have not received a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (e.g., *Ex parte Quayle*) as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. §1.17(p). Please charge the fee set forth in 37 C.F.R. §1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter (or a fee transmittal form) is enclosed to facilitate the charging of the fee.

5. ☐ **Information to be Considered with Continued Prosecution Application (CPA) Filing (use when filing IDS with a Continued Prosecution Application (CPA) for Design Case)**. This information disclosure statement is being filed with a Continued Prosecution Application (CPA) filed under 37 C.F.R. 1.53(d).

**ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:**

☐ (1) (For use with applications filed prior to or on June 30, 2003.) Copies of the cited documents are enclosed.

OR

☐ (2) (For use with applications filed after June 30, 2003.) In accordance with 37 C.F.R. §1.98(a)(2), Applicants are submitting copies of foreign patent documents and non-patent literature.

OR

☐ (3) All of the cited references were previously cited by or submitted to the USPTO in prior application Case No. \_\_\_\_, U.S. Patent Application Serial No. \_\_, filed \_\_. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of previously submitted references are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

OR

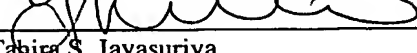
☐ (4) Copies of all said documents, except Cite Numbers \_\_\_\_, were submitted and considered in parent application U.S. Patent Application Serial No. \_\_\_\_, filed \_\_\_\_\_. Applicant(s) claim priority to said application under 35 U.S.C. §120. Accordingly, copies of previously submitted references are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). Copies of references not previously submitted are enclosed. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

☐ (5) Pursuant to 37 C.F.R. §1.98(c), a concise explanation of the relevance of each cited reference that is not in the English language is provided.

☒ (6) Applicants also respectfully request the Examiner to consider and make of record the co-pending applications listed on the attached page.

☐ Additional information is attached.

Respectfully submitted,

By   
 Tahira S. Jayasuriya  
 Attorney or Agent for Applicant(s)  
 Registration No. 50,793  
 (513) 622-0291

Date: April 16, 2004Customer No. **27752**

(P146IDS.doc)

(Last Revised 10/10/03)

**CO-PENDING U.S. APPLICATIONS**

Entire copies of all co-pending applications (or the portion of the application and claims that caused it to be cited) must be sent with the IDS (see 37 CFR 1.98(a)(2)(iii))

<u>Atty. Docket No.</u>	<u>Serial Number</u>	<u>Inventor(s)</u>	<u>Filing Date</u>
P145	10/725248	Norton et al.	December 1, 2003
P147	10/724839	Sunvold et al.	December 1, 2003

[Only applications that remain pending at the time of submitting this IDS should be listed here. For applications in which patents have issued, the granted patents should be listed on Form PTO/SB08.]

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Substitute for form 1449A/PTO

APR 21 2004

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

SHEET 1 of 2

## COMPLETE IF KNOWN

Application Number	10/725251
Confirmation Number	1935
Filing Date	December 1, 2003
First Named Inventor	Vickers et al.
Group Art Unit	1761
Examiner Name	
Attorney Docket Number	P146

## U. S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	DOCUMENT NUMBER Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	US-2003/0040492A1	02-27-2003	Haschke et al.	
	2	US-4,734,402	03-29-1988	Hashimoto et al.	
	3	US-5,776,524	07-07-1998	Gregory A. Reinhart	
	4	US-5,952,033	09-14-1999	Anantharaman et al.	
	5	US-5,958,898	09-28-1999	Hayek et al.	
	6	US-5,965,175	10-12-1999	Reinhart et al.	
	7	US-6,039,952	03-21-2000	Sunvold et al.	
	8	US-6,093,418	07-25-2000	Sunvold et al.	
	9	US-6,306,44B1	10-23-2001	Sunvold et al.	
	10	US-6,391,375B1	05-21-2002	Janel Fone	
	11	US-6,468,525B1	10-22-2002	Watson et al.	
	12	US-RE8,112E	05-06-2003	Sunvold et al.	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	FOREIGN PATENT DOCUMENT Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	13	JP4016163A2	01-21-1992	Masayasu et al.		
	14	WO 01/17365A1	03-15-2001	Societe Des Produits Nestle S.A.		
	15	WO 01/17366A1	03-15-2001	Societe Des Produits Nestle S.A.		
	16	WO 01/21008A2	03-29-2001	Societe Des Produits Nestle S.A.		
	17	WO 01/64225A1	09-07-2001	Societe Des Produits Nestle S.A.		
	18	WO 02/076471A1	10-03-2002	Societe Des Produits Nestle S.A.		
	19	WO 02/100188A1	12-19-2002	Erber Aktiengesellschaft		
	20	WO 03/088764A1	10-30-2003	Mars Incorporated		
	21	WO 99/22604A1	05-14-1999	Mars UK Limited		
EXAMINER			DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

P146 PTO-SB08

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)  SHEET 2 of 2	<b>COMPLETE IF KNOWN</b>	
	Application Number	10/725251
	Confirmation Number	1935
	Filing Date	December 1, 2003
	First Named Inventor	Vickers et al.
	Group Art Unit	1961
	Examiner Name	
	Attorney Docket Number	P146

### NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	22	WILLARD ET AL., "Effects Of Dietary Supplementation Of Fructo-oligosaccharides On Small Intestinal Bacterial Overgrowth In Dogs", Am. J. Vet Res., Vol. 55, No. 5, May 1994 pgs. 654-659	
	23	STRICKLING ET AL., "Evaluation Of Oligosaccharide Addition To Dog Diets: Influences On Nutrient Digestion And Microbial Populations", Animal Feed Science And Technology, Vol. 86, 2000, pgs. 205-219	
	24	ZIEGLER ET AL., "Present Knowledge In Nutrition", International Life Sciences Institute, Seventh Edition, 1996, pgs. 245-155	
	25	GRIFFIN ET AL., "Enriched Chicory Inulin Increases Calcium Absorption Mainly In Girls With Lower Calcium Absorption", Nutrition Research, 23 (2003), pgs. 901-909	
	26	RICHARDSON ET AL., "Developmental Orthopedic Disease Of Dogs", Small Animal Clinical Nutrition, 4 <sup>th</sup> Edition, Chapter 17, pgs. 505-521	
	27	MOROHASHI ET AL., "Nutrient Requirements And Interactions Research Communication", The Journal Of Nutrition, Oct. 1998, 128, 10; Research Library, pgs. 1815-1818	
	28	TAKAHARA ET AL., "Nutrient Metabolism - Research Communication", The Journal Of Nutrition, Jul. 2000, 130, 7; Research Library, pgs. 1792-1795	
	29	MINEO ET AL., "Nutrient Interactions And Toxicity Research Communication", The Journal Of Nutrition, Dec. 2001, 131, 12; Research Library, pgs. 3243-3246	
	30	OHTA ET AL., "Nutrient Interactions and Toxicity", The Journal Of Nutrition, Jul. 2002, 132, 7; Research Library, pgs. 2048-2054	
	31	KEVIN CASHMAN, "Prebiotics and Calcium Bioavailability", Horizon Scientific Press, 2003 4, pgs. 21-32	
	32	TAKASAKI ET AL., "Dietary Short-Chain Fructooligosaccharides Increase Calbindin-D9k Levels Only In The Large Intestine In Rats Independent Of Dietary Calcium Deficiency Or Serum 1,25 Dihydroxy Vitamin D Levels", Int. J. Vitam. Nutr. Res., 70 (5), 2000, pgs. 206-213	
	33	TAHIRI ET AL., "Effect Of Short-Chain Fructooligosaccharides On Intestinal Calcium Absorption And Calcium Status In Postmenopausal Women: A Stable-Isotope Study <sup>1-3</sup> ", Am. J. Clin. Nutr., 2003; 77, pgs. 449-457	
	34	FLICKINGER ET AL., "Nutrient Digestibilities, Microbial Populations, And Protein Catabolites As Affected By Fructan Supplementation Of Dog Diets", Am. J. Animal Science, 2003, 81, pgs. 2008-2018	
	35	THE NATIONAL ACADEMIES, "Nutrient Requirements Of Dogs And Cats", Animal Nutrition Series	
EXAMINER		DATE CONSIDERED	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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